

August 10, 2000

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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CORRECTED

REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT

SUBJECT: Department of Development and Environmental Services File No. **L99P3004**
Proposed Ordinance No. **2000-0381**

SERENITY RIDGE
Preliminary Plat Application

Location: 11021 Southeast 176th Street

Applicant: Bob Peterson, Pagentry Communities of Washington,
represented by **Robert Armstrong**
Barghausen Consulting Engineers, Inc.
18215 – 72nd Avenue South
Kent, WA 98032
Telephone: (425) 251-6222
Facsimile: (425) 251-8782

Department: Department of Development and Environmental Services
Land Use Services Division, *represented by* **Lance Moreno**
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219
Telephone: (206) 296-7182
Facsimile: (206) 296-7051

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions (modified)
Examiner's Decision:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application or petition submitted:	June 23, 1999
Complete application:	July 21, 1999
EXAMINER PROCEEDINGS:	
Hearing Opened:	July 20, 2000
Hearing Closed:	August 1, 2000

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Traffic volume
- Traffic safety
- Safe student walking conditions
- Traffic speed
- Traffic distribution
- Drainage

SUMMARY:

Approves the subdivision of 4.93 acres of land into 40 single-family residential building lots.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:**1. General Information.**

Owner/Developer:	Bob Peterson, Pagentry Communities of Washington 25400 – 74 th Avenue South, Kent, WA 98032
Engineer:	Barghausen Consulting Engineers, Inc., Robert Armstrong 18215 – 72 nd Avenue South, Kent, WA 98032
Location:	11021 SE 176 th Street, King County, Washington Parcel Number: 322305-9044-09
STR:	32-23N-5E
Zoning:	R-8P
Acreage:	4.93
Number of Lots:	40
Density:	8 dwelling units per acre
Lot Size:	Ranges from approximately 2,804-3,500 square feet

Proposed Use:	Single family residential
Sewage Disposal:	Soos Creek Water and Sewer District
Water Supply:	Soos Creek Water and Sewer District
Fire District:	Number 40
School District:	Renton School District
Complete Application Date:	July 21, 1999

2. **Proposal.** Pagentry Communities of Washington (the “Applicant”), represented by Barghausen Consulting Engineers, Inc., proposes to subdivide 4.93 acres into 40 single-family residential building lots. With lot sizes ranging from approximately 2,840 to 3,500 square feet, density will be 8 dwelling units per acre. The proposed development is described by the preliminary plat drawing appended as “Attachment 1” to the Preliminary Report to the Hearing Examiner (Exhibit No. 2), prepared by the Department of Development and Environmental Services (the “Department” or “DDES”), and Exhibit No. 6.
3. **State Environmental Policy Act.** On May 26, 2000, the Department issued a threshold determination of non-significance for the proposed development. That is, the Department published its determination that an Environmental Impact Statement would not be required because the proposal would not result in probable significant adverse impacts upon the environment. No agency, tribe, person or other entity appealed that determination. The Department’s environmental documentation that provides the basis for this determination is incorporated in this hearing record as well.
4. **Department Report and Recommendation.** Upon introducing its report (Exhibit No. 2) in the public hearing, the Department corrected certain scrivener’s errors in Section G, “Neighborhood Characteristics” page 3. In particular, the Department noted that the subject property is located on Southeast 180th Street, *not* Southeast 18th Street. Further, the subject property is near 110th Avenue Southeast (*not* 110th Place Southeast) to the west and 111th Avenue Southeast (*not* 11th Avenue Southeast) to the east.

In its final recommendation, the Department adopted its preliminary recommendation (as contained in Exhibit No. 2), except for Recommended Condition No. 8 regarding compliance with 1993 King County Road Standards (KCRS). These are the recommended changes to Condition No. 8 as reported in the Department’s final recommendation:

- a. **Road surfacing and frontage improvements.** Recommended Condition No. 8.c. requires that the proposed road improvements address the road surfacing standards contained in KCRS Chapter IV. It notes that these standards may require full-width pavement overlay where widening existing asphalt. In its final recommendation, the Department revises the Condition No. 8.c text to read as follows:

Southeast 180th Street shall be provided with urban frontage improvements to sub-collector standards. The proposed road improvements shall address the requirements for road surfacing outlined in KCRS Chapter IV. As noted in KCRS Section 4.01F, full-width pavement overlay may be required

where widening existing asphalt.

- b. **Pedestrian access to Petrovitsky Road.** Recommended Condition No. 8.f. requires pedestrian access from within the subject property connecting proposed 110th Place Southeast to Southeast 176th Street (Petrovitsky Road). In its preliminary recommendation, the Department recommended a pedestrian access *tract*. The Department now recommends requiring only a pedestrian access *easement*.
- c. **Safe walking conditions.** Responding both to concerns raised by the public and to the safe walking conditions standard contained in RCW 58.17.110, the Department, in its final recommendation, suggested adding the following additional Condition No. 8.g:

The Applicant shall provide an 8 foot wide asphalt shoulder with fog line, on the north side of Southeast 180th Street from the plat boundary eastward to 112th Avenue Southeast.

- 5. **Applicant Response.** The Applicant accepts the Department's final recommendation as described in Finding No. 4, preceding.
- 6. **Traffic.** Several neighboring property owners expressed concern regarding vehicular traffic volumes and speeds on 180th Avenue Southeast (the street from which the proposed development will obtain access). This concern, coupled with a review of "safe student walking conditions" necessitated by RCW 58.17.110, resulted in the 8 foot wide paved walkway demarcated by painted fog line condition of final plat approval described in Finding No. 4.c., above. See also Condition No. 8.g on page 9 of this Report and Decision. The recommendation to require paving of the 8-foot-wide shoulder along 180th Avenue Southeast responds to community concerns regarding questionable maintainability of gravel shoulders in an urban neighborhood.

Some neighboring residents challenge the traffic counts and distribution stated in the traffic analysis prepared by Transportation Planning & Engineering, Incorporated ("TPE"). This engineering report indicates a peak hour (5:00-6:00 p.m.) volume along Southeast 180th Street at 110th Place Southeast of 19 vehicles (6 eastbound, 13 westbound). A neighboring property owner, Julie Kataoka, counted 55 vehicles during a 2.5-hour evening peak period (from 4:40 p.m. to 7:10 p.m.). Her count elicits three responses from the Department and Applicant. First, by multiplying the TP&E reported number by 2.5¹ one obtains 47 vehicle trips (calculated). This number falls within a reasonable range of the 55 vehicles counted by the neighboring resident. Second, the difference between 47 vehicles (calculated) versus 55 vehicles (counted) comports reasonably with the additional traffic generated by the neighboring development of Benson Ridge.² Third, traffic volumes in general rise during summer months. This consideration, too, could contribute to the difference between the April TP&E report and the July count prepared by neighboring property owner Kataoka.

¹ Indicating that the neighboring resident's count covered 2.5 hours, whereas the TP & E count covered only 1 hour

² The Benson Ridge development was not fully "on line" with sold homes at the time of the TP & E count in April.

7. **Safe Student Walking Conditions.** As indicated in the findings above, RCW 58.17.110 requires a finding that there exist safe walking conditions for students who walk to school. To investigate the appropriateness of such a finding, the Department and the Applicant reviewed the availability of safe walking conditions between the subject property and Benson Hill Elementary School. See Exhibit Nos. 17a, 17b, 17c. Based upon this review, the Department recommends the paved shoulder improvement indicated in Finding No. 4.a, above. Some neighboring property owners continue to express concern about the safety for students crossing Southeast 180th Street. However, that activity exceeds the jurisdiction of the Department or the responsibility of the Applicant. The safe walking conditions investigation reported by Exhibit Nos. 17a, 17b and 17c are based upon the Renton School District's own recommended walkway route.
8. **Drainage.** Some neighborhood residents ask questions or raise concerns regarding the proposed drainage retention/detention facility, particularly regarding safety. The King County Surface Water Design Manual requires gentle slopes—at least as shallow as 3:1—precisely for safety reasons. Any retention pond slope having steeper gradient banks must be fenced. Although a member of the community expressed concern regarding the potential for increased or increasingly pathogenic mosquito populations due to retention/detention ponds, the hearing record contains no evidence that this has been or is a problem in King County.

The Level 1 and Level 2 downstream analyses conducted by the Applicant's consultants and reviewed by the Department's Engineering Review Unit identified no significant conveyance capacity related problems in the downstream drainage systems within which the subject property is located.
9. **Department Report Adopted.** Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated July 20, 2000 with amendments made August 1, 2000 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.
10. **Conclusions Adopted as Findings.** Any portion of any of the following conclusions that may be construed as a finding is incorporated here by this reference.

CONCLUSIONS:

1. Any portion of any of the above findings that may be construed as a conclusion is incorporated here by this reference.
2. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
3. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.

4. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
5. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the Applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed plat of Serenity Ridge is **GRANTED PRELIMINARY APPROVAL** as described in Exhibit No. 6; **SUBJECT** to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the density requirements of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services. (Base density plus density earned pursuant to KCC 21A.34.040.F.C).
4. The Applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by ordinance No. 11187, as amended (1993 KCRS).
6. The Applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the King County Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.

- b. Current standard plan notes and ESC notes, as established by DDES Engineering Review shall be shown on the engineering plans.
- c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #_____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."

- d. Core Requirement No. 1: Discharge at the Natural Location.

The Applicant has received approval for the requested diversion of surface water within the project (See Adjustment File L99V0385). The conditions for adjustment approval shall be satisfied during design and review of the project engineering plans.

- e. Core Requirement No. 2: Off-site Analysis

The Applicant's Level One and Level Two downstream analysis identified no significant conveyance capacity related problems in both of the downstream drainage systems. A Level Two Downstream Analysis was provided to demonstrate adequacy of both of the downstream conveyance systems.

- f. Core Requirement No. 3 and No. 8: Runoff Control and Water Quality.

Storm water runoff control and water quality enhancement shall be provided using the Level One detention and Basic water quality design criteria outlined in the 1998 King County Surface Water Design Manual. The size of the proposed drainage tracts may have to increase to accommodate the required detention storage volumes and water quality facilities. The runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in

accordance with KCC 21A.14.180.

As specified in Section 5.1.1 of the 1998 SWM Manual, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.

- g. Special Requirement No. 1: Other Adopted Area-Specific Requirements.

The proposed plat is located within the Soos Creek Community Plan which contains special P-Suffix conditions related to seasonal construction and tree retention. The applicable P-suffix requirements shall be addressed on the final engineering plans.

8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:

- a. During preliminary review the Applicant submitted a road variance application (File No. L99V0384), regarding cul-de-sac length and reduced diameter mid-length turnaround. The variance received conditional approval on March 16, 2000, pending concurrence with the Fire Marshal's Office. The King County Fire Marshal's Office approved the design on March 30, 2000. Because the reduced diameter, mid-length turn around cannot properly accommodate an island if implemented as eyebrow, no island is required.
- b. Proposed 110th Place SE shall be improved as an urban subaccess street.
- c. Southeast 180th Street shall be provided with urban frontage improvements to subcollector standards along that portion abutting the subject property. The road improvements shall address the requirements for road surfacing outlined in KCRS Chapter 4. As noted in KCRS Section 4.01F, full width pavement overlay may be required where widening existing asphalt.
- d. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
- e. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
- f. SE 176th Street (Petrovitsky Road) is designated a principle arterial that could require designs for bus zones and turnouts. As specified in KCRS, Section 2.16, the designer shall contact Metro and the local school district to determine specific requirements. The designer has already contacted Metro and shall provide a pedestrian access tract from on-site right-of-way to SE 176th Street. This pedestrian access easement shall provide a minimum 5-foot wide hard surface, flaring to a 10-foot width as it

connects to pedestrian facilities on SE 176th Street. Access easement shall maintain a minimum 1-foot buffer from hard surface. Further questions would be directed to Paul Alexander, Metro Transit Facility Planner at (206) 684-1599.

- g. The Applicant shall provide an 8-foot-wide paved shoulder with fog line on the north side of Southeast 180th Street from the plat boundary east to 112th Avenue Southeast.
- 9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
- 10. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
- 11. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
- 12. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space area(s).
- 13. Street trees shall be provided as follows:
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along

- 110th Place SE. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
- b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - h. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 10th day of August, 2000.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 10th day of August, 2000, to the following parties and interested persons:

Margaret Adamczyk	Julie Kataoka	Glenn & Kelly Sugiyama
Keith & Mary Anderson	John Kincaid	Mark & Sandra VanOsten
Tom Barghausen	J.T. Kitagawa	Brad Vogt
Victor Bishop	James E. Kovacevich	Rose Williams
Ken Boles	Paul Krakow	
Franklin W. Case	Teresa LeMay	Mark Bergam
Victoria Chappell	Linda Matlock	Greg Borba
Wilma Clark	George Mattson	Kim Claussen
Carolyn Cordell	Lois McCuan	Nick Gillen
Aricka Devine	Jay Mercer	Kristen Langley
Roger Dorstad	Dwaine C Mittag	Aileen McManus
Betty J Earles	Eleanor Moon	Lance Moreno
Clifton Erickson	Richard A. Moose	Carol Rogers
Terrell C. Ferguson	New Home Trends	Steven C. Townsend
Kevin Foley	Judy A. Nichols	Larry West
Sarah Fueling	Connie Norby	
Donald W. Herman	Bob Peterson	
Ed Iddings	Jerry and Karin Sammons	
Thomas E Kapalczynski	Seattle-KC Health Dept	

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before August 24, 2000***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before August 31, 2000***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JULY 20 AND AUGUST 1, 2000 PUBLIC HEARINGS ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L99P3004 – SERENITY RIDGE:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Lance Moreno and Mark Bergam. Participating in this hearing and representing the King County Department of Transportation was Aileen McManus. Participating in the hearing and representing the Applicant were Robert Armstrong and Larissa King of Barghausen Consulting Engineers, Inc., and Victor Bishop and Bob Herman of

Transportation Planning and Engineering, Inc. Other participants in this hearing were Donald W. Herman, Connie Norby, Ed Iddings, Jay Mercer, Brad Vogt, Joanne Kitagawa, Kelly Sugiyama, Julie Kataoka, Rose Williams, Thomas Kapalczyznski, Wilma Clark, Betty Earles, and Ken Boles.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES File No. L99P3004
- Exhibit No. 2 DDES Preliminary Report to the Hearing Examiner, dated July 20, 2000
- Exhibit No. 3 Application, stamped received June 23, 1999
- Exhibit No. 4 Environmental Checklist, dated June 23, 1999
- Exhibit No. 5 Declaration of Non-significance, dated May 26, 2000
- Exhibit No. 6 Plat Map, dated June 14, 2000
- Exhibit No. 7 Land Use Map 604E
- Exhibit No. 8 Assessors Maps 32-23-5E
- Exhibit No. 9 Level One Drainage Analysis, received June 23, 1999
- Exhibit No. 10 Preliminary Storm Drainage Plan received February 17, 2000
- Exhibit No. 11 Wetland Site Assessment, received June 23, 1999
- Exhibit No. 12 Trip Generation and Distribution Letter received June 23, 1999
- Exhibit No. 13 Letter from Julie Kataoka (neighbor), received July 18, 2000
- Exhibit No. 14a. Letter from Lois McCuan to Hearing Examiner Smith, dated July 12, 2000
- Exhibit No. 14b. Letter from Lois McCuan to Lance Moreno, dated Sept. 27, 1999
- Exhibit No. 15 Benson Ridge flyer
- Exhibit No. 16 Metro Route 169 weekday count, dated April 20, 1999
- Exhibit No. 17a. Kroll Map with walking routes, prepared by Applicant
- Exhibit No. 17b. Photos that correspond to Exhibit No 17a.
- Exhibit No. 17c. Safe Walking Routes, Benson Hill Elementary School
- Exhibit No. 18 New Condition No. 8.g.
- Exhibit No. 19 Amended Condition No. 8.g
- Exhibit No. 20 Amended Condition No. 8.c